

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL NO. 04-10194-RCL</b>
	)	
<b>ANTHONY BUCCI</b>	)	

**Government's Opposition to Defendant Bucci's Seventh Motion to  
Amend Pretrial Conditions**

The United States of America, by and through Assistant United States Attorney John T. McNeil, respectfully submits this opposition to Defendant Bucci's seventh motion to amend his conditions of pretrial release (Docket No. 143). Defendant Bucci requests permission to be out of the residence to which he is restricted on electronic monitoring for 6 hours on June 6, 2005, and permitted to travel to Lowell, Massachusetts during that period. The government opposes this motion for the reasons outlined in the government's prior oppositions to the defendant's motions to amend his conditions: the facts in this case and Bucci's prior criminal history demonstrate that he continues to pose a substantial risk to the community and to a cooperating witness; the defendant remains a flight risk as he faces a mandatory minimum sentence of at least 15 years in this matter; and Bucci has failed to demonstrate a material change in circumstances which gives rise to reopening his conditions of release. See Docket Nos. 54, 77, 78, 86, 93.

As noted in the government's opposition to a similar motion last December, Bucci has already demonstrated to this Court an inability to comply with temporary release from electronic monitoring for purposes of attending a family gathering. See Docket No. 93. While on electronic monitoring during the pretrial phase of his last narcotics case, Bucci moved for

temporary relief from monitoring to attend a 25<sup>th</sup> wedding anniversary party. See United States v. Bucci, Crim. No. 97-10269-PBS, Doc.No.19. The Court, Bowler, M.J., granted that motion, permitting Bucci to leave the home to which he was restricted from 8 p.m. to 2:00 a.m. on October 18, 1997. Bucci failed to return to his home by 2:00 a.m., as required by the order.<sup>1</sup> He was violated by the Court, and detained pending trial. Id. at D.20.<sup>2</sup>

For the foregoing reasons, and those submitted in the government's prior oppositions to Bucci's motions to amend his terms of pretrial release, the government respectfully requests that the Court deny Bucci's motion.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

Date: May 26, 2005

By: /s/ John T. McNeil  
JOHN T. MCNEIL  
Assistant U.S. Attorney

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<sup>1</sup> The Presentence Report for that case indicates that Bucci did not return until 3:27 a.m. on October 19, 1997. It does not reveal if there were other violations as well. Nonetheless, the Court found the violation sufficient to detain Bucci.

<sup>2</sup> As the Court is aware, Bucci was ultimately convicted of narcotics offenses in that case and was sentenced to 41 months incarceration.